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OFFICE OF PETITIONS

In re Application of :
Hekimi et al. : DECISION DISMISSING
Application No. 10/800,333 : PETITION
Filed: March 12, 2004 :
Attorney Docket No. 302087-999008 :

This is a decision on the petition filed June 22, 2004, which is being treated as a request to withdraw the requirement for the submission of Figures 2F and 2G as set forth in the Notice to File Missing Parts of Nonprovisional Application mailed on April 22, 2004.

On March 12, 2004, the above-identified application was filed. However, on April 22, 2004, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application, stating that the application had been accorded a filing date of March 12, 2004, and advising applicants that they must submit a signed oath/declaration and a surcharge for its late filing. Additionally, the Notice indicated that Figures 2F and 2G described in the specification appeared to have been omitted.

In response, on June 22, 2004, applicants filed, inter alia, the present petition a \$130.00 petition fee, and one (1) sheet of drawings, containing Figures 2A-1 through 2G. Applicants stated that the Notice was sent in error with respect to the omission of Figures 2F and 2G, which were submitted on the same sheet as Figures 2A-1 through 2E.

It is obvious from the petition that no drawings were actually missing on March 12, 2004. Rather, the Image File Wrapper (IFW) for the present application shows the drawings of Figure 2F and 2G as unlabeled. Therefore, according to Office records, the Notice of Missing Parts mailed on April 22, 2004, was correct in stating that Figures 2F and 2G described in the specification appeared to have been omitted. Therefore, the requirement to submit omitted Figures 2F and 2G set forth in the Notice of Missing Parts was proper and will not be withdrawn.

Accordingly, the petition is dismissed.

A preliminary amendment adding the labels "FIG. 2F and FIG. 2G" to the unlabeled drawing figures should be filed prior to the first action on the merits.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of March 12, 2004, using the drawings filed on that date.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

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